

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DANIEL J. GOODSON, III, <i>et al</i> ,)	
)	
Plaintiffs,)	
)	Civil Action No. 08-44
v.)	
)	
LAWRENCE O. MAGGI, <i>et al.</i> ,)	Chief Judge Gary L. Lancaster
)	Magistrate Judge Lisa Pupo Lenihan
Defendants.)	Re: Doc. No. 226

MEMORANDUM ORDER

Plaintiffs' Complaint was received by the Clerk of Courts on January 11, 2008 and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (Doc. No. 226) filed on February 22, 2010, recommended that the Motion to Dismiss Amended Complaint filed by Carl Marcus, Esq. (Doc. No. 161) be granted, except as to those claims brought by the minor children, which should be dismissed without prejudice. Service was made on all counsel of record and *pro se* Plaintiff Daniel J. Goodson, III.¹ The parties were informed that in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1)(B) and (C), and FEDERAL RULE OF CIVIL PROCEDURE 72(b)(2), and Local Rule of Court 72.D.2., the parties had fourteen (14) days from the date of service to file objections to the Report and Recommendation.

¹Pursuant to Magistrate Judge Lenihan's text order entered on September 10, 2009, service on Plaintiffs is made to adult Plaintiff Daniel Goodson, III only.

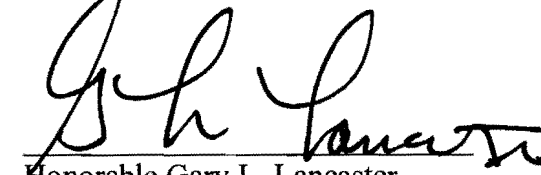
On March 8, 2010, Plaintiff Daniel J. Goodson, III, filed Objections to the Report and Recommendation (Doc. No. 233), which the Magistrate Judge interpreted as a "Motion to Extend Time to File a Response to the Motion to Dismiss" at Document No. 161. Plaintiff was granted an extension to file a Response to the Motion to Dismiss until March 29, 2010. Plaintiff was further ordered by the Magistrate Judge to file any objections to the Report and Recommendation (Doc. No. 226) by March 29, 2010. On March 29, 2010, Plaintiff filed a Combined Response to the Motion to Dismiss and Objections to the Magistrate Judge's Report and Recommendation (Doc. No. 238). After review of the pleadings and the documents in the case, including Plaintiff's Response and Objections, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 29th day of March, 2010;

IT IS HEREBY ORDERED that the Motion to Dismiss (Doc. No. 161) filed by Defendant Carl Marcus, Esq. is **GRANTED** except as to those claims brought by the minor children, which are **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 226) of Magistrate Judge Lenihan, dated February 22, 2010, is adopted as the Opinion of the Court.

BY THE COURT



Honorable Gary L. Lancaster
Chief United States District Judge

cc: All counsel of record
Via Electronic Mail

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